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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,975	09/06/2001	Roland Burkle	WEI0025	4324

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02/03/2003

EXAMINER

SIMONE, CATHERINE A

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 02/03/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/869,975

Applicant(s)

BURKLE ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 14-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6, 8 & 9. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group I, claims 1-13 and 25 in Paper No. 11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 14-24 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 11.

### *Claim Objections*

2. Claims 1-13 are objected to because of the following informalities: "characterized in that" should be change to "comprising" or "consisting of". Also, in claim 11, "130°" should read "130°C". Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does

not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "a thickness of between 1  $\mu\text{m}$  and 200  $\mu\text{m}$ ", and the claim also recites "especially between 1  $\mu\text{m}$  and 100  $\mu\text{m}$ " which is the narrower statement of the range/limitation. Claim 5 recites the broad recitation "the glass thickness is 10 to 400  $\mu\text{m}$ ", and the claim also recites "preferably 10 to 200  $\mu\text{m}$  and more preferably 10 to 100  $\mu\text{m}$ " which is the narrower statement of the range/limitation. Claim 6 recites the broad recitation "the thickness of the polymer layer is 2 to 100  $\mu\text{m}$ ", and the claim also recites "preferably 2 to 50  $\mu\text{m}$ " which is the narrower statement of the range/limitation. Claim 8 recites the broad recitation "the polymer layer has a modulus of elasticity of  $< 5,000 \text{ N/mm}^2$ ", and the claim also recites "preferably of  $< 2,600 \text{ N/mm}^2$  and more preferably of  $< 1,500 \text{ N/mm}^2$ " which is the narrower statement of the range/limitation. Claim 10 recites the broad recitation "the roughness of the surface is  $R_T \leq 20 \text{ nm}$ ", and the claim also recites "preferably  $\leq 10 \text{ nm}$ " which is the narrower statement of the range/limitation. Also, claim 10 recites the broad recitation "the waviness of the surface is  $\leq 80 \text{ nm}$ ", and the claim also recites "preferably  $\leq 50 \text{ nm}$ " which is the narrower statement of the range/limitation. Claim 11 recites "in permanent use the film is temperature-stable up to  $130^\circ\text{C}$ , and up to  $140^\circ\text{C}$  in the case of short-term heating", and the claim also recites "preferably  $180^\circ\text{C}$ , more preferably  $200^\circ\text{C}$ " which is the narrower statement of the

range/limitation. Claim 13 recites the broad recitation "the glass film consists of a borosilicate glass", and the claim also recites "preferably an alkali-free borosilicate glass" which is the narrower statement of the range/limitation.

The recitations "in particular for", "applied on at least one of its side surfaces", "being applied directly to at least one side surface" and "on at least one side the optical retardation is not more than 20 nm" in claim 1 are deemed vague and indefinite. Clarification is requested.

The recitations "at least one side on its surface shows a waviness" (claim 2), "at least one side shows a roughness" (claim 3), "both sides show on their surface a waviness" (claim 4), "the film also comprises the polymer layer on at least one edge" (claim 7), "the transmission of the glass/plastic composite film is not more than 90% of the uncoated glass film" (claim 9), "the haziness caused by the polymer coating" (claim 9), "the optical retardation" (claim 10), "in permanent use" (claim 11), "short-term heating" (claim 11), "in particular on the basis of liquid crystals or light-emitting layers" (claim 25) are deemed vague and indefinite. Clarification is requested.

Claim 9 recites the limitations "the uncoated glass film" and "the polymer coating". There is insufficient antecedent basis for these limitations in the claim.

Claim 10 recites the limitation "the surface". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. **Claims 1-13 and 25** are rejected under 35 U.S.C. 102(a) as being anticipated by Verlinden (WO 99/21707).

Verlinden discloses a glass/plastic composite film, in particular for use in electronic components and devices such as displays, made of a glass film having a thickness of between 10  $\mu\text{m}$  and 500  $\mu\text{m}$  (see page 5, lines 13-17) and a polymer layer applied on at least one side of its surfaces with a thickness of between 1  $\mu\text{m}$  to 200  $\mu\text{m}$ , especially between 1  $\mu\text{m}$  and 100  $\mu\text{m}$  (see page 8, lines 27-31), with the polymer layer being applied directly to at least one side surface (see page 8, lines 19-21), characterized in that on at least one side the optical retardation is not more than 20 nm. Regarding **claims 2-4 and 10**, note both sides show on their surface a waviness of less than 100 nm and a roughness  $R_T$  of less than 30 nm (see page 9, lines 1-6). Regarding **claim 5**, note the glass thickness is 10 to 400  $\mu\text{m}$  (see page 5, lines 13-17). Regarding **claim 6**, note the thickness of the polymer layer is 2 to 100  $\mu\text{m}$  (see page 8, lines 27-31). Regarding **claim 7**, note the film also comprises the polymer layer on at least one edge (see page 12, lines 1-10). Regarding **claim 8**, note the polymer layer has a modulus of elasticity of  $< 5,000 \text{ N/mm}^2$  (see page 8, lines 19-26). Regarding **claim 9**, the transmission of the glass/plastic composite film is more than 90% of the uncoated glass film and the haziness caused by the polymer coating increases by less than 1%. Regarding **claim 11**, note in permanent use the film is temperature stable up to 130°C, and up to 140°C in the case of short-term heating (see page 10, lines 1-5). Regarding **claim 12**, the polymer layer consists of a polycarbonate or a polyether sulphone (see page 8, lines 22-26). Regarding **claim 13**, the glass film consists of a borosilicate glass (see page 8, line 20). Regarding **claim 25**, note the application of the glass/plastic composite film is for the production of electronic components and optoelectronic devices, in particular on the basis of liquid crystals or light-emitting layers (see page 1, lines 5-10).


*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents are cited for further teachings of glass/plastic composite films similar to that instantly disclosed.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (703) 605-4297. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
Catherine Simone  
Examiner  
Art Unit 1772

January 23, 2003

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

1/24/03